

### **Remarks / Arguments**

These remarks are in response to the non-final Office Action mailed August 31, 2006, and further to the responsive amendment filed on February 28, 2007, and the interview of March 29, 2007. Claims 20, 26, 28, 29, 34, 37, 38, and 43 have been amended, claim 45 has been added, and no claims have been cancelled. Claims 20-24 and 26-45 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Preliminarily, Applicant notes with appreciation the courtesies extended by Examiner Scheibel to the undersigned, Dr. Siller, Dr. Chen, and Mr. Brisnehan during the telephone interview of March 29, 2007, and subsequent telephone conversations with the undersigned. The following remarks include Applicants' substance of interview pursuant to MPEP § 713.04. Specifically, the distinctions between contention and collisions in network communication was discussed during the interview, as were the teachings of the *Palmer* and *Howe* references. Additionally, the inventive features of the instant application were discussed along with possible claim amendments that may potentially overcome the pending rejections under 35 U.S.C. § 103.

### ***Rejections Under 35 U.S.C. § 103***

Claims 20, 26, 28-29, 34, 36-38, and 43 stand rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,240,084 to Oran et al. (*Oran*) in view of U.S. Patent No. 6,141,355 to Palmer (*Palmer*). Claims 21-24, 27, 30-33, 35, 39-42, and 44 stand rejected under 35 U.S.C. §103(a), as being unpatentable over *Oran* in view of *Palmer*, and further in view of U.S. Patent No. 6,611,519 to Howe (*Howe*). Applicant respectfully traverses.

Amended claim 20 recites a method of eliminating packet loss at a packet-switching device, comprising "scheduling the transmission of the network packets to the packet-switching device in such a way as to eliminate packet loss in the packet-switching device that would otherwise occur if the network packets had been processed by separate devices coupled to the packet-switching device, wherein packet loss is eliminated without the need for retransmission to the packet-switching device by coordinating the transmission from the first device to avoid contention among transmitters for the packet-switching device, in such a way as to eliminate queue overflow in the packet-switching device." The Office Action acknowledges on page 6 that *Oran* does not disclose scheduling the transmission of packets. Additionally, as discussed in

the Amendment dated February 28, 2007, *Palmer* does not disclose “avoiding contention” among transmitters as recited in amended claim 20.

Additionally, *Palmer* also fails to teach “eliminating packet loss without the need for retransmission” and “eliminat[ing] queue overflow” at the packet-switching device, as claimed. In short, whenever *Palmer*’s X-Hub is not in cross-connect mode, multiple data adapters may send data packets to the X-Hub 4 simultaneously, thus causing contention and possible queue overflow at the X-Hub, resulting in packet loss. (*Palmer*, Abstract; col. 6, lines 27-26.) When the X-Hub 4 changes and operates in cross-connect mode, it simply creates a bidirectional point-to-point link between two devices, and is therefore no longer operating as a “packet-switching device.” (*Palmer*, col. 6, lines 47-67.)

Accordingly, Applicant respectfully submits that amended claim 20 is not obvious over the combination of *Oran* and *Palmer*. *Howe* also fails to cure these deficiencies. Therefore, claims 21-24 and 26-28, which depend from claim 20, are allowable for at least the same reasons, as well as based on the additional features recited therein.

Amended claim 29 similarly recites a device configured to perform, “scheduling transmission of the network packets to the packet-switching device in such a way as to eliminate packet loss in the packet-switching device that would otherwise occur if the network packets had been processed by separate devices coupled to the packet-switching device, wherein packet loss is eliminated without the need for retransmission to the packet-switching device by coordinating the transmission of network packets to avoid contention among transmitters for the packet-switching device, in such a way as to eliminate queue overflow in the packet-switching device.” Thus, for at least similar reasons discussed above with respect to claim 20, amended claim 29 is allowable over a combination of *Oran* and *Palmer*. Since *Howe* also fails to cure these deficiencies, dependent claims 30-35 are allowable for at least these same reasons as claim 29, as well as based on the additional features recited therein.

Amended claim 37 recites a system “to eliminate packet loss at a packet-switching device,” comprising a plurality of devices performing steps similar to the device of claim 29. Thus, for at least similar reasons discussed above with respect to claims 20 and 29, claim 37 is allowable over a combination of *Oran* and *Palmer*. Since *Howe* also fails to cure these deficiencies, dependent claims 38-45 are allowable for at least these same reasons, as well as based on the additional features recited therein.

***New Claim***

New claim 45 recites, "wherein the plurality of devices are synchronized via the internal timing systems of the devices such that only one of the devices at a time transmits packets to the packet-switching device." Applicant believes that this additional feature is neither taught nor suggested by the cited references. Therefore, new claim 45 is allowable for at least this additional reason.

**CONCLUSION**

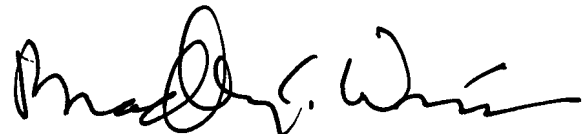
All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

Dated this 6th day of April, 2007

By:



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